

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

2007 DEC 27 P 4:45

BRASFIELD & GORRIE, LLC,

Plaintiff,

v.

RUSSELL COUNTY COMMUNITY

HOSPITAL, LLC, et al.,

Defendants.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Civil Action No.: 3:07cv1130 - CSC

MOTION FOR EXTENSION OF TIME

COMES NOW Defendant, Jackson in his official capacity as Secretary of HUD, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves the Court pursuant to Rules 6(b) and 12 of the Federal Rules of Civil Procedure for an additional 60-day extension of time, to and including Monday, February 25, 2008, within which to file an Answer or other response. In support of this motion, Defendant shows unto the Court the following:

1. This action was originally filed in the Circuit Court of Russell County, Alabama, and removed to this court on December 27, 2007.
2. Pursuant to Rule 12(a)(3) of the Federal Rules of Civil Procedure, a federal official sued in his Official capacity has 60 days in which to file an Answer or other response.
3. HUD is in the process of collecting information necessary to prepare its litigation report. The agency's litigation report is essential in this office's compilation of

an answer or other response. It is not expected that the agency's litigation report will be completed and received within enough time to thoroughly and adequately prepare a response by the current deadline.

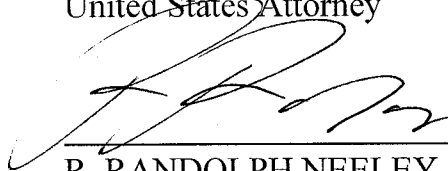
4. A 60-day extension of time will serve the interests of justice and promote judicial economy.

5. Defendant has attempted to contact Plaintiff's counsel to determine his position as to this request but has been unsuccessful.

WHEREFORE premises considered Defendant requests an extension of time, to and including Monday, February 25, 2008, in which to prepare and file an Answer or other response.

Respectfully submitted this 27th day of December, 2007.

LEURA G. CANARY
United States Attorney



R. RANDOLPH NEELEY
Assistant United States Attorney
Bar Number: 9083-E56R
Post Office Box 197
Montgomery, AL 36101-0197
Telephone No.: (334) 223-7280
Facsimile No.: (334) 223-7418
E-mail: Rand.Neeley@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2007, filed the foregoing with the Clerk of the Court and I certify that I have mailed a copy of same to Plaintiff addressed as follows:

Axel Bolvig
Bradley Arant Rose & White, LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203-2119


Assistant United States Attorney